

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

PAUL LIKINS

Petitioner,

v.

FEDERAL COMMUNICATIONS
COMMISSION AND UNITED STATES
OF AMERICA

Respondents,

United States Court of Appeals
For the District of Columbia Circuit

FILED FEB 08 1993

93-RECEIVED
RON GARVIN
CLERK

MAILED 10 1993

OFFICE OF GENERAL COUNSEL

PETITION FOR REVIEW

Pursuant to Rule 15 of the Federal Rules of Appellate Procedure and Section 402 of the Communications Act, 47 U.S.C. §402, Paul Likins hereby petitions the Court for review of the Notice of Proposed Rulemaking, Order, Tentative Decision and Order on Reconsideration ("Order") released by the Federal Communications Commission in Docket No. CC92-297 on January 8, 1993.

In said Order, the Commission concluded that the 28 GHz band should be redesignated to accommodate local multipoint technology that would provide consumers with additional options for video programming distribution, wideband video data, and other telecommunications services. In proposing such redesignation of spectrum, the Commission said that, while the 28 GHz band has been available for point-to-point microwave radio common carrier use

since 1959, very little, if any, use of this frequency band has been made since 1959.

At the time of said Order, petitioner had pending before the Commission applications to provide local multipoint distribution service for the respective service areas encompassing Danbury, Connecticut; Gary, Indiana; Joliet, Illinois; Aurora, Illinois; Santa Cruz, California; Lowell, Massachusetts; Boulder, Colorado; Lancaster, Pennsylvania; and Madison, Wisconsin; accompanied by petitions for waiver of the current rules.

By said Order, the Commission denied petitioner's pending waiver applications. Petitioner intends to rely on the following reasons for this appeal:

(1) The Commission denied petitioner's pending waiver applications summarily, without benefit of the Commission's proposed rulemaking to amend the current Common Carrier Point-to-Point Microwave Service rules;

(2) The Commission erroneously found that petitioner's waiver applications did not satisfy the standard for a waiver;

(3) Contrary to the Commission's finding, the petitioner's waiver applications do satisfy the standard for a waiver;


(4) The petitioner's waiver applications are consistent with the minimal technical rules which the Commission proposes to adopt in redesignating the 28 GHz band so that video and other telecommunication services may be accommodated;

(5) Since the 28 GHz band is not being utilized as was found by the Commission, grant of petitioner's waiver applications would not be detrimental to "assigned users" as the Commission has erroneously and inconsistently found; and

(6) The Commission's denial of the petitioner's waiver applications is arbitrary, capricious and an abuse

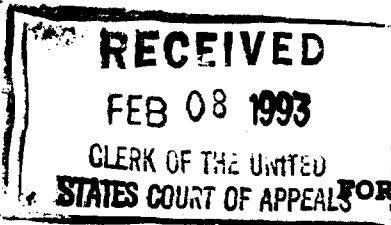
of discretion, not in accordance with law, and otherwise
violates the Administrative Procedure Act, 5 U.S.C. §706.

Respectfully submitted,



John Haven Chapman, Esq.
CHAPMAN, MORAN, HUBBARD,
GLAZER & ZIMMERMANN
2000 L Street, N.W., Suite 200
Washington, DC 20036
(203) 353-8000

Attorneys for Paul Likins



UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

TELECOMMUNICATIONS/HADDOCK
INVESTORS

Petitioner,

v.

FEDERAL COMMUNICATIONS
COMMISSION AND UNITED STATES
OF AMERICA

Respondents,

United States Court of Appeals
For the District of Columbia Circuit

FILED FEB 08 1993

RON GARVIN
CLERK

93-1144

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1993 FEB 08 REC'D

PETITION FOR REVIEW

OFFICE OF GENERAL COUNSEL

Pursuant to Rule 15 of the Federal Rules of Appellate Procedure and Section 402 of the Communications Act, 47 U.S.C. §402, Telecommunications/Haddock Investors hereby petitions the Court for review of the Notice of Proposed Rulemaking, Order, Tentative Decision and Order on Reconsideration ("Order") released by the Federal Communications Commission in Docket No. CC92-297 on January 8, 1993.

In said Order, the Commission concluded that the 28 GHz band should be redesignated to accommodate local multipoint technology that would provide consumers with additional options for video programming distribution, wideband video data, and other telecommunications services. In proposing such redesignation of spectrum, the Commission said that, while the 28 GHz band has been available for point-to-point microwave radio common carrier use

since 1959, very little, if any, use of this frequency band has been made since 1959.

At the time of said Order, petitioner had pending before the Commission applications to provide local multipoint distribution service for the respective service areas encompassing Riverside, California; Oakland, California; Ft. Lauderdale, Florida; Indianapolis, Indiana; New Orleans, Louisiana; Providence, Rhode Island; Dayton, Ohio; Greensboro, North Carolina; Richmond, Virginia; West Palm Beach, Florida; Melbourne, Florida; Des Moines, Iowa; Pensacola, Florida; Fort Myers, Florida; and Sarasota, Florida; accompanied by petitions for waiver of the current rules.

By said Order, the Commission denied petitioner's pending waiver applications. Petitioner intends to rely on the following reasons for this appeal:

(1) The Commission denied petitioner's pending waiver applications summarily, without benefit of the Commission's proposed rulemaking to amend the current Common Carrier Point-to-Point Microwave Service rules;

(2) The Commission erroneously found that petitioner's waiver applications did not satisfy the standard for a waiver;

(3) Contrary to the Commission's finding, the petitioner's waiver applications do satisfy the standard for a waiver;

(4) The petitioner's waiver applications are consistent with the minimal technical rules which the Commission proposes to adopt in redesignating the 28 GHz band so that video and other telecommunication services may be accommodated;

(5) Since the 28 GHz band is not being utilized as was found by the Commission, grant of petitioner's waiver applications would not be detrimental to "assigned users" as the Commission has erroneously and inconsistently found; and

(6) The Commission's denial of the petitioner's waiver applications is arbitrary, capricious and an abuse

of discretion, not in accordance with law, and otherwise
violates the Administrative Procedure Act, 5 U.S.C. §706.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "John H. Chapman", is written over a horizontal line.

John Haven Chapman, Esq.
CHAPMAN, MORAN, HUBBARD,
GLAZER & ZIMMERMANN
2000 L Street, N.W., Suite 200
Washington, DC 20036
(203) 353-8000

Attorneys for Telecommunica-
tions/Haddock Investors

UNITED STATES COURT OF APPEALS **RECEIVED**
FOR THE DISTRICT OF COLUMBIA CIRCUIT

MAR 10 1993 REC'D

WILLIAM R. LONERGAN

Petitioner,)

v.)

FEDERAL COMMUNICATIONS
COMMISSION AND UNITED STATES
OF AMERICA)

Respondents,)

OFFICE OF GENERAL COUNSEL

93-1145

United States Court of Appeals
For the District of Columbia Circuit

FILED FEB 08 1993

PETITION FOR REVIEW

RON GARVIN
CLERK

Pursuant to Rule 15 of the Federal Rules of Appellate Procedure and Section 402 of the Communications Act, 47 U.S.C. §402, William R. Lonergan hereby petitions the Court for review of the Notice of Proposed Rulemaking, Order, Tentative Decision and Order on Reconsideration ("Order") released by the Federal Communications Commission in Docket No. CC92-297 on January 8, 1993.

In said Order, the Commission concluded that the 28 GHz band should be redesignated to accommodate local multipoint technology that would provide consumers with additional options for video programming distribution, wideband video data, and other telecommunications services. In proposing such redesignation of spectrum, the Commission said that, while the 28 GHz band has been available for point-to-point microwave radio common carrier use

since 1959, very little, if any, use of this frequency band has been made since 1959.

At the time of said Order, petitioner had pending before the Commission applications to provide local multipoint distribution service for the respective service areas encompassing Austin, Texas; accompanied by petitions for waiver of the current rules.

By said Order, the Commission denied petitioner's pending waiver applications. Petitioner intends to rely on the following reasons for this appeal:

(1) The Commission denied petitioner's pending waiver applications summarily, without benefit of the Commission's proposed rulemaking to amend the current Common Carrier Point-to-Point Microwave Service rules;

(2) The Commission erroneously found that petitioner's waiver applications did not satisfy the standard for a waiver;

(3) Contrary to the Commission's finding, the petitioner's waiver applications do satisfy the standard for a waiver;

(4) The petitioner's waiver applications are consistent with the minimal technical rules which the Commission proposes to adopt in redesignating the 28 GHz band so that video and other telecommunication services may be accommodated;

(5) Since the 28 GHz band is not being utilized as was found by the Commission, grant of petitioner's waiver applications would not be detrimental to "assigned users" as the Commission has erroneously and inconsistently found; and

(6) The Commission's denial of the petitioner's waiver applications is arbitrary, capricious and an abuse of discretion, not in accordance with law, and otherwise violates the Administrative Procedure Act, 5 U.S.C. §706.

Respectfully submitted,



John Haven Chapman, Esq.
CHAPMAN, MORAN, HUBBARD,
GLAZER & ZIMMERMANN
2000 L Street, N.W., Suite 200
Washington, DC 20036
(203) 353-8000

Attorneys for William R. Lonergan

FEB 08 1993
CLERK OF THE UNITED
STATES COURT OF APPEALS

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

DIANE WECHSLER)
)
Petitioner,)
)
v.)
)
FEDERAL COMMUNICATIONS)
COMMISSION AND UNITED STATES)
OF AMERICA)
)
Respondents,)
)

United States Court of Appeals
For the District of Columbia Circuit

FILED FEB 08 1993

93-1146 RON GARVIN
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REC'D

PETITION FOR REVIEW OFFICE OF GENERAL COUNSEL

Pursuant to Rule 15 of the Federal Rules of Appellate Procedure and Section 402 of the Communications Act, 47 U.S.C. §402, Diane Wechsler hereby petitions the Court for review of the Notice of Proposed Rulemaking, Order, Tentative Decision and Order on Reconsideration ("Order") released by the Federal Communications Commission in Docket No. CC92-297 on January 8, 1993.

In said Order, the Commission concluded that the 28 GHz band should be redesignated to accommodate local multipoint technology that would provide consumers with additional options for video programming distribution, wideband video data, and other telecommunications services. In proposing such redesignation of spectrum, the Commission said that, while the 28 GHz band has been available for point-to-point microwave radio common carrier use

since 1959, very little, if any, use of this frequency band has been made since 1959.

At the time of said Order, petitioner had pending before the Commission applications to provide local multipoint distribution service for the respective service areas encompassing Baltimore, Maryland; Columbus, Ohio; Louisville, Kentucky; and Omaha, Nebraska; accompanied by petitions for waiver of the current rules.

By said Order, the Commission denied petitioner's pending waiver applications. Petitioner intends to rely on the following reasons for this appeal:

(1) The Commission denied petitioner's pending waiver applications summarily, without benefit of the Commission's proposed rulemaking to amend the current Common Carrier Point-to-Point Microwave Service rules;

(2) The Commission erroneously found that petitioner's waiver applications did not satisfy the standard for a waiver;


(3) Contrary to the Commission's finding, the petitioner's waiver applications do satisfy the standard for a waiver;

(4) The petitioner's waiver applications are consistent with the minimal technical rules which the Commission proposes to adopt in redesignating the 28 GHz band so that video and other telecommunication services may be accommodated;

(5) Since the 28 GHz band is not being utilized as was found by the Commission, grant of petitioner's waiver applications would not be detrimental to "assigned users" as the Commission has erroneously and inconsistently found; and

(6) The Commission's denial of the petitioner's waiver applications is arbitrary, capricious and an abuse of discretion, not in accordance with law, and otherwise violates the Administrative Procedure Act, 5 U.S.C. §706.

Respectfully submitted,



John Haven Chapman, Esq.
CHAPMAN, MORAN, HUBBARD,
GLAZER & ZIMMERMANN
2000 L Street, N.W., Suite 200
Washington, DC 20036
(203) 353-8000

Attorneys for Diane Wechsler

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

United States Court of Appeals
For the District of Columbia Circuit

HERBERT S. MEEKER

Petitioner,

v.

FEDERAL COMMUNICATIONS
COMMISSION AND UNITED STATES
OF AMERICA

Respondents,

FILED FEB 08 1993

RON GARVIN
CLERK

**93-1147
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PETITION FOR REVIEW **OFFICE OF GENERAL COUNSEL**

Pursuant to Rule 15 of the Federal Rules of Appellate Procedure and Section 402 of the Communications Act, 47 U.S.C. §402, Herbert S. Meeker hereby petitions the Court for review of the Notice of Proposed Rulemaking, Order, Tentative Decision and Order on Reconsideration ("Order") released by the Federal Communications Commission in Docket No. CC92-297 on January 8, 1993.

In said Order, the Commission concluded that the 28 GHz band should be redesignated to accommodate local multipoint technology that would provide consumers with additional options for video programming distribution, wideband video data, and other telecommunications services. In proposing such redesignation of spectrum, the Commission said that, while the 28 GHz band has been available for point-to-point microwave radio common carrier use

since 1959, very little, if any, use of this frequency band has been made since 1959.

At the time of said Order, petitioner had pending before the Commission applications to provide local multipoint distribution service for the respective service areas encompassing Tulsa, Oklahoma; Grand Rapids, Michigan; Allentown, Pennsylvania; Baton Rouge, Louisiana; and Wichita, Kansas; accompanied by petitions for waiver of the current rules.

By said Order, the Commission denied petitioner's pending waiver applications. Petitioner intends to rely on the following reasons for this appeal:

(1) The Commission denied petitioner's pending waiver applications summarily, without benefit of the Commission's proposed rulemaking to amend the current Common Carrier Point-to-Point Microwave Service rules;

(2) The Commission erroneously found that petitioner's waiver applications did not satisfy the standard for a waiver;

(3) Contrary to the Commission's finding, the petitioner's waiver applications do satisfy the standard for a waiver;

(4) The petitioner's waiver applications are consistent with the minimal technical rules which the Commission proposes to adopt in redesignating the 28 GHz band so that video and other telecommunication services may be accommodated;

(5) Since the 28 GHz band is not being utilized as was found by the Commission, grant of petitioner's waiver applications would not be detrimental to "assigned users" as the Commission has erroneously and inconsistently found; and

(6) The Commission's denial of the petitioner's waiver applications is arbitrary, capricious and an abuse of discretion, not in accordance with law, and otherwise violates the Administrative Procedure Act, 5 U.S.C. §706.

Respectfully submitted,



John Haven Chapman, Esq.
CHAPMAN, MORAN, HUBBARD,
GLAZER & ZIMMERMANN
2000 L Street, N.W., Suite 200
Washington, DC 20036
(203) 353-8000

Attorneys for Herbert S. Meeker

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FEB 08 1993

**CLERK OF THE UNITED
STATES COURT OF APPEALS**

UNITED STATES COURT OF APPEALS

FOR THE DISTRICT OF COLUMBIA CIRCUIT

IVAN WOLFF

Petitioner,)

v.)

FEDERAL COMMUNICATIONS
COMMISSION AND UNITED STATES
OF AMERICA)

Respondents,)

United States Court of Appeals
For the District of Columbia Circuit

FILED FEB 08 1993

**RON GARVIN
CLERK**

93-1148

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PETITION FOR REVIEW

REC'D

OFFICE OF GENERAL COUNSEL

Pursuant to Rule 15 of the Federal Rules of Appellate Procedure and Section 402 of the Communications Act, 47 U.S.C. §402, Ivan Wolff hereby petitions the Court for review of the Notice of Proposed Rulemaking, Order, Tentative Decision and Order on Reconsideration ("Order") released by the Federal Communications Commission in Docket No. CC92-297 on January 8, 1993.

In said Order, the Commission concluded that the 28 GHz band should be redesignated to accommodate local multipoint technology that would provide consumers with additional options for video programming distribution, wideband video data, and other telecommunications services. In proposing such redesignation of spectrum, the Commission said that, while the 28 GHz band has been available for point-to-point microwave radio common carrier use

since 1959, very little, if any, use of this frequency band has been made since 1959.

At the time of said Order, petitioner had pending before the Commission applications to provide local multipoint distribution service for the respective service areas encompassing Bridgeport, Connecticut; Springfield, Massachusetts; Colorado Springs, Colorado; Monterey, California; and Visalia, California; accompanied by petitions of waiver of the current rules.

By said Order, the Commission denied petitioner's pending waiver applications. Petitioner intends to rely on the following reasons for this appeal:

(1) The Commission denied petitioner's pending waiver applications summarily, without benefit of the Commission's proposed rulemaking to amend the current Common Carrier Point-to-Point Microwave Service rules;

(2) The Commission erroneously found that petitioner's waiver applications did not satisfy the standard for a waiver;

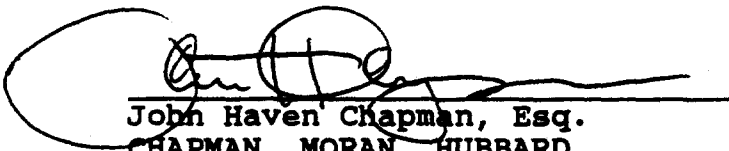
(3) Contrary to the Commission's finding, the petitioner's waiver applications do satisfy the standard for a waiver;

(4) The petitioner's waiver applications are consistent with the minimal technical rules which the Commission proposes to adopt in redesignating the 28 GHz band so that video and other telecommunication services may be accommodated;

(5) Since the 28 GHz band is not being utilized as was found by the Commission, grant of petitioner's waiver applications would not be detrimental to "assigned users" as the Commission has erroneously and inconsistently found; and

(6) The Commission's denial of the petitioner's waiver applications is arbitrary, capricious and an abuse of discretion, not in accordance with law, and otherwise violates the Administrative Procedure Act, 5 U.S.C. §706.

Respectfully submitted,



John Haven Chapman, Esq.
CHAPMAN, MORAN, HUBBARD,
GLAZER & ZIMMERMANN
2000 L Street, N.W., Suite 200
Washington, DC 20036
(203) 353-8000

Attorneys for Ivan Wolff

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

United States Court of Appeals
For the District of Columbia Circuit

FILED FEB 08 1993

RON GARVIN
CLERK

NORMAN HASCOE

Petitioner,

v.

FEDERAL COMMUNICATIONS
COMMISSION AND UNITED STATES
OF AMERICA

Respondents,

93-1149

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MAN. REC'D

OFFICE OF GENERAL COUNSEL

PETITION FOR REVIEW

Pursuant to Rule 15 of the Federal Rules of Appellate Procedure and Section 402 of the Communications Act, 47 U.S.C. §402, Norman Hascoe hereby petitions the Court for review of the Notice of Proposed Rulemaking, Order, Tentative Decision and Order on Reconsideration ("Order") released by the Federal Communications Commission in Docket No. CC92-297 on January 8, 1993.

In said Order, the Commission concluded that the 28 GHz band should be redesignated to accommodate local multipoint technology that would provide consumers with additional options for video programming distribution, wideband video data, and other telecommunications services. In proposing such redesignation of spectrum, the Commission said that, while the 28 GHz band has been available for point-to-point microwave radio common carrier use

since 1959, very little, if any, use of this frequency band has been made since 1959.

At the time of said Order, petitioner had pending before the Commission applications to provide local multipoint distribution service for the respective service areas encompassing Middlesex-Somerset, New Jersey; Tacoma, Washington; Rochester, New York; Grand Rapids, Michigan; and Little Rock, Arkansas; accompanied by petitions for waiver of the current rules.

By said Order, the Commission denied petitioner's pending waiver applications. Petitioner intends to rely on the following reasons for this appeal:

(1) The Commission denied petitioner's pending waiver applications summarily, without benefit of the Commission's proposed rulemaking to amend the current Common Carrier Point-to-Point Microwave Service rules;

(2) The Commission erroneously found that petitioner's waiver applications did not satisfy the standard for a waiver;

(3) Contrary to the Commission's finding, the petitioner's waiver applications do satisfy the standard for a waiver;

(4) The petitioner's waiver applications are consistent with the minimal technical rules which the Commission proposes to adopt in redesignating the 28 GHz band so that video and other telecommunication services may be accommodated;

(5) Since the 28 GHz band is not being utilized as was found by the Commission, grant of petitioner's waiver applications would not be detrimental to "assigned users" as the Commission has erroneously and inconsistently found; and

(6) The Commission's denial of the petitioner's waiver applications is arbitrary, capricious and an abuse of discretion, not in accordance with law, and otherwise violates the Administrative Procedure Act, 5 U.S.C. §706.

Respectfully submitted,



John Haven Chapman, Esq.
CHAPMAN, MORAN, HUBBARD,
GLAZER & ZIMMERMANN
2000 L Street, N.W., Suite 200
Washington, DC 20036
(203) 353-8000

Attorneys for Norman Hascoe

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

DR. KIM SLOAN

Petitioner,

v.

FEDERAL COMMUNICATIONS
COMMISSION AND UNITED STATES
OF AMERICA

Respondents,

United States Court of Appeals
For the District of Columbia Circuit

FILED FEB 08 1993

RON GARVIN
CLERK

93-1150
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PETITION FOR REVIEW

OFFICE OF GENERAL COUNSEL

Pursuant to Rule 15 of the Federal Rules of Appellate Procedure and Section 402 of the Communications Act, 47 U.S.C. §402, Dr. Kim Sloan hereby petitions the Court for review of the Notice of Proposed Rulemaking, Order, Tentative Decision and Order on Reconsideration ("Order") released by the Federal Communications Commission in Docket No. CC92-297 on January 8, 1993.

In said Order, the Commission concluded that the 28 GHz band should be redesignated to accommodate local multipoint technology that would provide consumers with additional options for video programming distribution, wideband video data, and other telecommunications services. In proposing such redesignation of spectrum, the Commission said that, while the 28 GHz band has been available for point-to-point microwave radio common carrier use

since 1959, very little, if any, use of this frequency band has been made since 1959.

At the time of said Order, petitioner had pending before the Commission applications to provide local multipoint distribution service for the respective service areas encompassing Anaheim, California; and Minneapolis, Minnesota; accompanied by petitions for waiver of the current rules.

By said Order, the Commission denied petitioner's pending waiver applications. Petitioner intends to rely on the following reasons for this appeal:

(1) The Commission denied petitioner's pending waiver applications summarily, without benefit of the Commission's proposed rulemaking to amend the current Common Carrier Point-to-Point Microwave Service rules;

(2) The Commission erroneously found that petitioner's waiver applications did not satisfy the standard for a waiver;

(3) Contrary to the Commission's finding, the petitioner's waiver applications do satisfy the standard for a waiver;